

Decision

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Shahnnavaz Ezzati, dba Lucky Shuttle (PSC 25649) to expand its Certificate of Public Convenience and Necessity to include certain points in the County of San Diego, and the John Wayne (SNA) Airport; and to make changes in existing rates for Orange County; and to establish a Zone of Rate Freedom.

Application 13-10-016  
(Filed October 30, 2013)

**D E C I S I O N   G R A N T I N G   A P P L I C A T I O N****Summary**

This decision grants the application of Shahnnavaz Ezzati doing business Lucky Shuttle, an individual, pursuant to Pub. Util. Code § 1031, et seq., to expand its Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation, as defined in Pub. Util. Code § 226, and to establish a new Zone of Rate Freedom, pursuant to Pub. Util. Code § 454.2.

**Discussion**

Shahnnavaz Ezzati, doing business as Lucky Shuttle (Applicant), provides an on-call Passenger Stage Corporation (PSC) service under a certificate granted by Decision (D.) 10-02-007. The certificate authorizes the transportation of passengers and their baggage between points in Los Angeles and Orange Counties and Los Angeles International Airport (LAX), Burbank Airport (BUR), Ontario International Airport (ONT), John Wayne Airport (SNA) and Long Beach Airport (LGB). The application requests authority to expand the on-call PSC authority to include certain points in San Diego County to SNA. The

application also proposes increased fares for Orange County, and new fares for the expanded service, as well as authority to establish a Zone of Rate Freedom (ZORF).

Applicant states the addition of several new terminals and domestic airlines to SNA is increasing demand for on-call PSC service to points beyond its currently authorized service territory. Applicant will provide free ride for the fifth and sixth passenger of the same group to encourage ride sharing to the airport, which will result in a benefit to the environment and reduction of private vehicles on the road. Applicant states it has the experience and ability to conduct the expanded PSC service. Applicant indicates he has provided on-call service for eighteen years. Attached to the application as Exhibit C is Applicant's unaudited balance sheet as of March 15, 2013, which discloses assets of \$110,000, liabilities of \$9,800, and net worth of \$100,200.

The proposed fares for the expanded service, listed in Exhibit A of the application, range between \$25 (Santa Ana to SNA) and \$240 (Twenty Nine Palms in San Bernardino County to SNA). In D.10-02-007, a ZORF was not authorized because Applicant did not request a ZORF. Applicant now proposes a ZORF in order to regain a competitive position with the many service operators in his territory. The requested ZORF will give the Applicant flexibility to adjust his fares in the future to respond to changes in operating costs, passenger counts, and other factors affecting revenues and expenses. Applicant seeks to establish a ZORF of \$5 above and below the proposed medium fare. The minimum fare will be \$20. Applicant will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in their operations. This highly competitive environment should result in Applicant pricing his services at a reasonable level.

Since the proposed service will reduce the number of vehicles on the public highways in the proposed service area, a California Environmental Quality Act review is not required because it can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

Notice of filing of the application appeared in the Commission's Daily Calendar on November 1, 2013. Applicant served a notice of the application to the affected airports, cities, and counties, and Transit authorities.

In Resolution ALJ 176-3326 dated November 14, 2013, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3326.

### **Safety Considerations**

In order to be authorized to commence operations as a PSC, the Applicant must comply with the following requirements in order to protect public safety: Proof of insurance pursuant to General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

### **Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

### **Assignment of Proceeding**

Elizaveta Malashenko is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Applicant operates as an on-call PSC pursuant to D. 10-02-007 between points in the Counties of Los Angeles and Orange, and LAX, BUR, ONT, SNA, and LGB airports.
2. The application requests authority to expand Applicant's PSC certificate to include service between certain points in San Diego County on the one hand, and SNA airport on the other hand.
3. D.10-02-007 did not authorize the Applicant to establish a ZORF.
4. Applicant requests to establish a ZORF of \$5 above and below the proposed medium fare for any route. The minimum fare will be \$20.
5. Applicant will compete with other PSCs, taxicabs, charter sedans and limousines, public transit, and private automobiles in their operations.
6. Applicant served a notice of the application to the affected airports, cities, counties, and Transit authorities.
7. No protest to the application has been filed.
8. A public hearing is not necessary.
9. A California Environmental Quality Act review is not required for this decision because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

### **Conclusions of Law**

1. Public convenience and necessity has been demonstrated and the application should be granted.
2. The request for a ZORF should be granted because the ZORF is fair and reasonable.

3. Before Applicant changes any fares under the authorized ZORF, Applicant should give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.

4. Because the matter is uncontested, the decision should be effective on the date it is signed.

## **O R D E R**

### **IT IS ORDERED** that:

1. The Certificate of Public Convenience and Necessity granted to Shahnavaaz Ezzati, dba Lucky Shuttle, an individual, authorizing him to operate as a Passenger Stage Corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-25649 below. Appendix PSC-25649 of Decision 10-02-007, is revised by replacing Original Page 3 with First Revised Page 3, subject to the conditions contained in the following paragraphs.

2. Shahnavaaz Ezzati, dba Lucky Shuttle, shall:

- a. File a written acceptance of the revised certificate within 30 days after this decision is effective.
- b. Establish the authorized expanded service and file tariffs and timetables within 120 days after this decision is effective.
- c. File tariffs on or after the effective date of this decision. The tariff shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.

- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to comply with this filing will result in suspension and/or revocation of authority.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the Pull Notice System as required by Section 1808.1 of the Vehicle Code.

3. Shahnnavaz Ezzati, dba Lucky Shuttle, is authorized to establish a Zone of Rate Freedom for its current and expanded services of \$5 above and below the proposed medium fare for any route. The minimum fare will be \$20.

4. Shahnnavaz Ezzati, dba Lucky Shuttle, shall file a Zone of Rate Freedom (ZORF) tariff with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. Shahnnavaz Ezzati, dba Lucky Shuttle, may make changes within the Zone of Rate Freedom by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, Shahnnavaz Ezzati, dba Lucky Shuttle, shall post notices explaining fare changes in their terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. Shahnavaaz Ezzati, dba Lucky Shuttle (Applicant), is authorized to begin operating the expanded service on the date that the Safety and Enforcement Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the California Highway Patrol has approved the use of Applicant's vehicles for service.

8. Before beginning service to any airport, Shahnavaaz Ezzati, dba Lucky Shuttle (Applicant), shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

9. The revised Certificate of Public Convenience and Necessity to operate as PSC-25649, granted herein, expires unless exercised within 120 days after the effective date of this decision.

10. The Application is granted as set forth above.

11. This proceeding is closed.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

\* SECTION II. SERVICE AREA.

- A. Points in the Counties of Los Angeles, Orange, and San Diego.
- B. Los Angeles International Airport (LAX)  
Burbank Airport (BUR)  
Ontario International Airport (ONT)  
John Wayne Airport (SNA)  
Long Beach Airport (LGB)

SECTION III. ROUTE DESCRIPTIONS.

Commencing from any point described in Section IIA, then over the most convenient streets and highways to any airport described in Section IIB.